

Docket No.: SCHUNKE-4  
Appl. No.: 10/693,828

### REMARKS

The last Office Action of December 20, 2004 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-13 are pending in the application. Claim 1 has been amended. Claims 2 and 10 have been canceled. No claims have been added. An amendment to the specification has been made. No fee is due.

It is noted that the drawings are objected to because of applicant's failure to show every feature set forth in the claims.

Claims 1-4, 8 and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,802,372 to Harrod et al.

Claims 1, 2, 7, 8 and 10 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 3,202,007 to Stratienko.

Claims 10, 12, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Harrod et al.

Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Harrod et al. in view of Japanese Patent JP 6-200788 (hereinafter JP' 788").

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Harrod et al. in view of U.S. Pat. No. 4,441,378 to Poczczek.

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Harrod et al. in view of U.S. Pat. No. 5,818,133 to Kershaw et al.

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### **OBJECTION TO THE DRAWING**

Applicant has canceled claim 2. The requirement to provide a drawing to show the control element, as set forth in claim 6, is respectfully traversed. Claim 6 sets forth the particular configuration of the hollow shaft with internal teeth in order to allow attachment of a control element that is to be adjusted. The control element has not been positively set forth and does not form part of the invention. Therefore, it is applicant's contention that a showing of the "control element" is not necessary for the claimed subject matter.

Withdrawal of the objection to the drawing is thus respectfully requested.

### **REJECTION UNDER 35 U.S.C. §102(b)**

Applicant has amended claim 1 to clearly set forth the construction of a separate unitary structure comprised of carrier and attached gear wheels in the absence of a housing. Support therefore can be found, for example, in paragraphs [0007] and [0025] of the instant specification. In other words, the adjustment drive has a fully operational drive unit that does not require a housing to maintain integrity of the structural parts. (see also paragraph [0008] of the instant specification). As a consequence, the unitary structure of carrier and gear wheels may be simply inserted as such in a housing for protective reasons only (see paragraph [0025] of the instant specification) but not for keeping the individual parts together.

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The Harrod reference describes a transmission unit which is received in a multi-part housing having a base (12) and a cover (68). Gears are accommodated in the housing between the base and the cover. As shown in particular in Fig. 2 of Harrod et al, the support of the gears is realized via axes which are supported with their ends in the cover and the base. Thus, in order to maintain integrity of the parts of the transmission unit, securement to the housing is required. In contrast thereto, as noted above, the carrier according to the invention is a self-contained unitary structure that does not require a securement to any housing.

The Examiner also refers to Fig. 8 of the Stratienco reference. Like in Harrod et al., Fig. 8 also shows merely a multi-part housing which accommodates various gears whose shafts are supported in the housing.

For the reasons set forth above, it is applicant's contention that neither Harrod et al. nor Stratienco, nor a combination thereof teaches or suggests the features of the present invention, as recited in claim 1.

As for the rejection of the retained dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Withdrawal of the rejection of claims 1, 3, 4, 7-9 under 35 U.S.C. §102(b) and allowance thereof are thus respectfully requested.

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### **REJECTION UNDER 35 U.S.C. §103(a)**

Since claims 5, 6, 11-13 depend from claim 1, these claims contain all the limitations of claim 1. As such, claims 5, 6, 11-13 are patentable over the applied prior art in the same manner as claim 1.

Withdrawal of the rejection of claims 5, 6, 11-13 under 35 U.S.C. §103(a) and allowance thereof are thus respectfully requested.

### **CLARIFICATION AMENDMENT**

Applicant has amended the specification to capitalize the reference to "Fig." for consistency throughout the specification.

### **CITED REFERENCES**

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

### **CONCLUSION**

Applicant believes that when reconsidering the claims in the light of the above comments, the Examiner will agree that the invention is in no way properly

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met or anticipated or even suggested by any of the references however they are considered.

None of the references discloses an adjustment drive having a self-contained and separate unitary structure of carrier and gear wheels.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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